

Code of Practice for Meeting Procedures

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1. INTRODUCTION

The City of Charles Sturt is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:

- [Local Government Act 1999 \(Chapter 6\)](#); and
- [Local Government \(Procedures at Meetings\) Regulations 2013](#) (“the Regulations”).

The Regulations provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to or vary certain aspects of these provisions.

The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of Council and Committee meetings at the City of Charles Sturt.

This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in boxes, with wording in *italics*). This enables the Code to be read in conjunction with the legislation and the City of Charles Sturt meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and notice of meetings, where reference has only been made to the relevant section within the Act.

Application of the Code of Practice

This Code applies to all ordinary and special meetings of Council and Council Committees at the City of Charles Sturt. The Charles Sturt Council Assessment Panel is governed by the Development Act 1993 and therefore has its own meeting procedures.

Guiding Principles (Regulation 4)

Legislation
<p><i>The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee.</i></p> <p>(a) <i>procedures should be fair and contribute to open, transparent and informed decision making.</i></p> <p>(b) <i>procedures should encourage appropriate community participation in the affairs of the Council.</i></p> <p>(c) <i>procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.</i></p> <p>(d) <i>procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.</i></p>

These Guiding Principles underpin the details documented in this Code of Practice.

1.1 Public Health Emergency: Electronic Participation in Council Meetings

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (**Notice No 1**) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Code of Practice is altered and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.

Definitions

Electronic means includes a telephone, computer or other electronic device used for communication.

Disconnection of the electronic includes: ending a video conferencing connection (e.g a meeting room or webinar etc) such that the discussion and voting at the meeting cannot be seen or heard.

A vote where leave of the meeting is granted may be conducted by a *show of hands* (either by a member raising their hand for the meeting to see or via an electronic option).

Suspension of other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

2. OPERATING PROCEDURES – BEFORE THE MEETING

Council and Committee meetings will be held at the principal office of the Council (Civic Centre) located at 72 Woodville Road, Woodville unless otherwise resolved by Council that a Council or Committee meeting will be held in an alternative location.

2.1 Calling Meetings

Ordinary Meetings

Section 81 of the Local Government Act 1999 (“the Act”) sets out the legislative requirements for the frequency and timing of ordinary Council meetings. This will also apply to Council Committees. These scheduled meetings are then documented in ‘Council and its Committees – Membership and Terms of Reference’.

Special Meetings

Section 82 and 83 of the Act specifies the requirements for special meetings of Council. The City of Charles Sturt has resolved that for special meetings of Committees, the following will apply:

The Chief Executive Officer must, at the request of:

- the Presiding Member of a Council Committee, or
- at least three members of the Council Committee

call a special meeting of the Council Committee.

Special meetings of a Council Committee may be held at any time.

2.2 Notice and Agendas for Meetings – Ordinary and Special Meetings

Sections 83 and 84 of the Act establishes the legislative requirements for providing Council members and the public with notice for Council meetings. Council has resolved that this will also apply to the meetings of a Council Committee, except where identified otherwise in this Code of Practice.

Council members are encouraged to receive their notice of meeting, agenda and reports for all Council and Committee meetings electronically in the interest of economic, social and environmental benefits. At the commencement of a new term of Council, Council Members will be engaged to determine the most appropriate method of delivery. Any changes to the delivery arrangements after this time must be requested in writing.

For members of the public, a printed copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing at the Civic Centre and on Council’s website (www.charlessturt.sa.gov.au). The internet can be accessed free of charge at any of Council library branches (Civic, West Lakes, Findon, Henley Beach or Hindmarsh).

Copies of the agenda papers or parts thereof are available at a fee detailed in Council’s Fees & Charges Register.

For Special Meetings, the Chief Executive Officer must ensure that each Member of the Committee is given at least four (4) hours notice of a special meeting of the Committee. Notices of special meetings may be distributed by email to Council members using the email address provided by each member, and will be displayed on Council’s website for viewing by members of the public.

Public Health Emergency: Electronic Participation in Council Meetings

To minimise the risk of the potential to spread the COVID virus Agendas and Minutes will be not be printed nor distributed to Council Members in hard copy. All members will receive Agenda and Minutes for Council and Committees electronically, unless arranged by request with the Manager Governance and Operational Support for a hard copy to be provided.

Agenda and minutes will not be displayed in the Council Principal Office, they will be available to the public on the City of Charles Sturt's website. Members of the public may request a copy for a fixed fee by contacting Council on 8408 1111 council@charlessturt.sa.gov.au

2.3 Working Parties & Advisory Group Agendas

Notices of meetings, agendas and reports for working parties and advisory groups established by Council will usually be distributed three (3) clear days before the meeting or in accordance with their terms of reference.

Agenda papers will only be distributed to members of the working party/advisory group and not be made available to members of the public.

2.4 Public Access to Meetings

Council and Committee meetings will be conducted in a place open to the public unless the Council or Committee makes an order to exclude the public in order to discuss a matter of confidence, in accordance with the requirements of Section 90 of the Act.

Section 90(8) of the Local Government Act allows informal gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a Council Meeting.

Council has an Informal Gatherings Policy which states that informal gatherings, such as workshops and briefing sessions, will be open to the public if the nature of the session is not confidential and a schedule of planned sessions will be published on the Council's website.

Council has adopted a 'Code of Practice for Public Access to Council and Committee Meetings and to Associated Documents' which outlines a commitment by the City of Charles Sturt to provide public access to meetings and policies, procedures and practices on why and how the City may use the provisions in the Local Government Act to restrict public access.

Public Health Emergency: Electronic Participation in Council Meetings

Council has updated the Code of Practice for Public Access to Council and Committee Meetings and to Associated Documents and Designated Informal Gatherings Policy in line with Public Health Emergency which states a meeting will be deemed to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means.

2.5 Length of Council Meetings

Council has resolved that Council and Committee meetings will conclude at or before 10.30pm, unless the meeting formally resolves on each specific occasion to continue beyond that time. Where a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

Where Council or a Committee has been meeting for 2 (two) hours, a motion is to be put to the meeting to adjourn for 10 minutes

3. OPERATING PROCEDURES – AT THE MEETING

3.1 Commencement of Meetings and Quorums

Legislation – Regulation 7

- (1) *A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.*
- (2) *If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.*
- (3) *If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.*
- (4) *If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.*
- (5) *If a meeting is adjourned to another day, the chief executive officer must-*
 - (a) *give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and*
 - (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.*

A quorum is defined for both Council and its Committees as ‘the total number of members of the Committee by 2, ignoring any fraction resulting from the division, and adding one’.

For Committee Meetings ex-officio members will only be recorded and counted as part of the quorum if they are present at the meeting.

Public Health Emergency: Electronic Participation in Council Meetings

A quorum is taken to be present even if members are in attendance via electronic means (see 3.3 for further information).

3.2 Opening Prayer/Pledge

After calling a Council meeting to order, the meeting is opened with the following prayer/pledge:

“Almighty Father from Whom all goodness flows, grant unto us qualities of wisdom justice and tolerance, that we the civic leaders of this community may govern in harmony and concord. This we ask in Thy name. Amen

We also remember and give thanks for those, our sons and daughters, who gave their lives for Australia. Lest we forget.

We acknowledge that the land we meet on today is the traditional land of the Kaurna People. We respect their spiritual relationship with this land. We also acknowledge the Kaurna people as traditional custodians of the Kaurna land. We will endeavour, as Council, to act in a way that respects Kaurna heritage and the cultural beliefs of the Kaurna people."

3.3 Attendees, Apologies and Absences

If a Member expects to be late or be absent from a meeting the Presiding Member or relevant Council officer is to be advised. Contact details for the officer will be included on the front of the Council and Committee agendas.

At the discretion of the Council Member, they may seek a leave of absence if they are unable to undertake Council business for a period of one week or more. However, members must seek leave of absence if they intend being absent for three or more consecutive ordinary meetings of the Council.

All apologies and leaves of absence will be listed in the Minutes for each Council or Committee meeting that it relates to. Members that do not attend a Council and Committee meeting, and have not advised the relevant Presiding Member of an apology will not be listed in the Minutes. If a Member arrives after the meeting commences, the time of arrival will be included in the minutes.

All officers in attendance at Council or Committee meetings will also be recorded in the minutes. The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda.

Public Health Emergency: Electronic Participation in Council Meetings

Members of the Council may participate in a meeting of the Council by electronic means.

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can see and hear all other members present at the meeting*
- (b) can be seen and heard by all other members present at the meeting*
- (c) can be seen and heard by the person recording the minutes of the meeting.*

3.4 Confirmation of Minutes

Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will-*
 - (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*

3.5 Order of Business

The order of business for a Council or Council Committee meeting will generally be in accordance with the attached agenda template – refer **Appendix A**. However, the Presiding Member at their own initiative or at the request of a Member of Council or Council Committee, may bring forward items for debate and resolution where:

- a large contingent of interested parties is present in the gallery;
- contractors or consultants are present to make presentations, or
- it may otherwise be considered expedient or appropriate.

3.6 Mayoral and Council Member Reports

At the first Council meeting per month the Mayor will present a written report detailing those activities or functions attended and media interactions in their official capacity for the previous month.

Council Members may at the first Council meeting of the month provide a written report on their activities of the previous month.

In accordance with a resolution of Council (refer CL 24/9/12, Item 7.31) if the Mayor or Council Member reports cannot be included in the agenda of Council, the reports will be provided when distributed for the following meeting of Council and be considered at this time.

3.7 Reports of Members and Council Representatives on External Organisations

At the first Council meeting per month opportunity will be given for Members who are appointed as Council representatives on external organisations to table a report on their involvement in activities associated with that organisation.

3.8 Deputations

Legislation – Regulation 11

Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

- (1) *A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.*
- (2) *The chief executive officer must transmit a request received under subregulation (1) to the presiding member.*

Making a Deputation Request

A request to make a deputation can be made by completing a Deputation Request Form.

If the deputation relates to a matter of business on the agenda, a person or persons wishing to appear as a deputation at a meeting must deliver their written request to the principal office of the Council by 10.00am on the day of the meeting.

If the matter is not already listed on the agenda, then the written request must be received at the principal office of the Council, at least five (5) clear days prior to the meeting at which the deputation is to appear.

Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting that the individual/group wishes to be heard. The Deputation Request Form includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.

Processing a Deputation Request

Legislation – Regulation 11 (cont....)

(3) The presiding member may refuse to allow the deputation to appear at a meeting.

Whether or not a deputation may appear is to be determined on a case-by-case basis, meeting by meeting, and with regard to the particular matter upon which the person or persons wish to address the meeting. In determining whether a deputation is allowed the following considerations will be taken into account:

- the subject matter of the proposed deputation;
- whether it is within the powers of the Council;
- relevance to the Council or Council Committee agenda nominated – and if not, relevance to the Council's or Council Committee's powers or purpose;
- the integrity of the request, and
- the size and extent of the agenda for the particular meeting.

Legislation – Regulation 11 (cont....)

(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

Notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved they will be notified of the date and time of the meeting at which the deputation will be heard.

Legislation – Regulation 11 (cont....)

- (5) (If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).*
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.*
- (7) A council may refer the hearing of a deputation to a council committee.*

Presenting a Deputation at a Council or Committee Meeting

A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting, up to two (2) members of the deputation will be allowed to speak, except to reply to questions from Members (where any member of the deputation may respond). Deputations will be limited to a maximum of two (2) per scheduled Council or Committee meeting, except with the leave of the meeting.

The depute will be invited by the Presiding Member to come forward and make the deputation on the topic or issue which has been nominated. The depute must state their name and address, and their name will be recorded in the minutes to the meeting (which is a public document).

In the interests of fairness, each deputation is to be no longer than five (5) minutes in duration, excluding questions from Council or Committee Members. Additional time will be allocated for Council or Committee Members to direct questions to the depute(s) if required. Members of Council or Committee may ask questions of all persons appearing. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation and are in accordance with Members' responsibilities to the community. The Presiding Member will use their best endeavors to manage this process fairly.

Notes or presentation material referred to as part of the deputation will generally be included in the minutes of the meeting where a motion to that effect is resolved by Council. Deputation notes or presentation material may be redacted where they are not in line with the 'Deputation Conduct' requirements stipulated within this Code and where they may breach the laws of defamation.

The recommendation in the covering report relating to a deputation will most likely include the following options:

Recommendation

- 1. That the deputation be received and noted.**
- 2. That (deputee name) be thanked for their presentation and that any deputation notes, that comply with Council's Code of Practice for Meeting Procedures and the laws of defamation, be included in the Minutes.**

Deputation Conduct

All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council or Council Committee meeting. Any comments that may amount to a criticism of Council Members or staff must not be made during the deputation's address or in the notes for inclusion in the Minutes. Any such criticism or comments should properly be directed in writing to the Chief Executive Officer.

As Council and Council Committee meetings are open to the public, there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the deputees' address is subject to the normal laws of defamation. Consequently, all deputees should take care in the statements they make and how they make their address, including the notes and presentation slides utilised.

An 'Deputation Meeting Procedures and Conduct' provides a summary of the above requirements.

Public Health Emergency: Electronic Participation in Council Meetings

Deputations to Council will be undertaken through electronic means. Where the deputees does not have the facilities to undertake this Council will assist by providing access to technology at the Civic Centre.

3.9 Petitions

What is a Petition?

Members of the community have a role to play in informing Council of their needs and concerns and/or to provide information that may assist or influence Council's decision. A petition is one way in which members of the community may advise Council of their particular concerns regarding a specific issue or make requests of, and provide information to, Council.

A petition is a formally drawn up request to Council seeking action or special consideration of a particular matter, which is signed by more than two (2) residents/members of the public.

Legislation – Regulation 10
<p>(1) <i>A petition to the council must-</i></p> <ul style="list-style-type: none"> (a) <i>be legibly written or typed or printed; and</i> (b) <i>clearly set out the request or submission of the petitioners; and</i> (c) <i>include the name and address of each person who signed or endorsed the petition; and</i> (d) <i>be addressed to the council and delivered to the principal office of the council.</i>

What must a Petition Include?

Taking into consideration that Council and residents transact business in various format, petitions can be created in either hard copy or via an electronic on-line petition.

In addition to the legislative requirements, hard copy petitions must:

- set out the request or submission of the petitioners on each page;
- include the name and address of the person submitting the petition (the Head Petitioner); and
- include the name and address and signature of the supporters to the petition.

In addition to the legislative requirements, electronic on-line petitions must:

- Include a cover page that details the request or submission;
- Include the name and address of the person submitting the petition (the head petitioner); and
- Include the name and address of the supporters of the petition.

Blank petitions with no header request or submission will not be accepted. Only complying petitions will be accepted. A typical format for a petition is included as **Appendix B**.

Submission of Petitions

Petitions in hard copy will only be received at the City of Charles Sturt's Civic Centre located at 72 Woodville Road, Woodville or PO Box 1, Woodville SA 5011. Electronic copies of petitions can be faxed or attached as documents and emailed to Council@charlessturt.sa.gov.au.

Legislation – Regulation 10 (cont...)

- (2) *If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.*
- (3) *Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.*

Petitions shall be submitted at least seven (7) clear days prior to the Council meeting, to enable a report to be included on the agenda for the next ordinary meeting of Council.

The report will contain the nature of the request or submission, the name and address of the Head Petitioner and a summary of number of supporters. A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Council Members may request a copy of the petition and it is the Council Members responsibility not to distribute or publish a copy of the full petition.

How a Petition is Considered

The recommendation in the report will most likely include the following options to allow Council to determine the most appropriate process to deal with the request or submission:

Recommendation

1. **That the petition be received and referred to the (Name) Committee on (date).**
2. **That Council notify the head petitioner of Council's decision.**

OR

1. **That the petition be received and the Ward Councillors (names) and relevant staff meet with the head petitioner to discuss the request or submission contained within the petition.**
2. **That a report be tabled at the (Name) Committee at the conclusion of these discussions.**
3. **That Council notify the head petitioner of Council's decision.**

Where a petition has been received and relates to an agenda item tabled for the next Council meeting, the petition will be referred directly to Council to coincide with the Agenda item.

Notification will be sent to the Head Petitioner to advise the date of the Ordinary Meeting of Council that the request or issue will first be considered. Subsequent notification will be sent advising of Council's decision.

An 'Information Sheet – Petition to Council' provides a summary of the above requirements.

Public Health Emergency: Electronic Participation in Council Meetings

Petitions should be received by electronic means and are to be emailed to council@charlessturt.sa.gov.au

3.10 Presentations

Presentations are defined as an opportunity for an organisation, community group, Council officer(s) or member of the public to address Council or a Council Committee to provide information relevant to the Council or Council Committee. Such presentations do not include deputations nor representations under the Development Act.

Each presentation should be accompanied by a report to Council or the Council Committee which may include any available notes relating to the presentation. The duration of each presentation is to be no longer than 20 minutes plus 10 minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting, except with the leave of the meeting.

Notes or presentation material referred to as part of the presentation will be included in the minutes of the meeting where a motion to that effect is resolved and the material is compliant with the laws of defamation.

Public Health Emergency: Electronic Participation in Council Meetings

Presentations to Council will be undertaken through electronic means, with the presentation being emailed to Council ahead of the meeting. This will ensure that the presentation will be able to be displayed during the meeting. Where the presenter does not have the facilities to undertake this Council will assist by providing access to technology at the Civic Centre.

3.11 Taking the Lead of an Agenda Item

If a Council Member wishes to take the lead of an item in the Agenda, the Council Member shall inform the Mayor or Presiding member prior to the commencement of the meeting.

3.12 Business - Officer Reports

Each Council and Council Committee agenda includes report items prepared by staff, which will include recommendations. These recommendations are not a resolution and have no status until moved and seconded by the meeting. Members may put forward a completely different recommendation altogether and move this as the motion.

Reports to Council or Council Committees will be prepared using the standard format – refer **Appendix C**. Where additional information is required this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.

Report writers should consider any subsequent steps required to enact a decision of Council and wherever practical include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:

- the authorisation to sign and seal documents;
- authorising the Chief Executive Officer or relevant General Manager to make minor amendments to an associated document;
- if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party etc.; and/or
- indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.

Reports are to be prepared so as to communicate the required information in a clear and succinct way. The arguments presented should logically lead to the officer recommendations. The author of the report should be identified so Council and Committee Members know where to direct any queries or requests for further information.

3.13 Motions

3.13.1 Notices of Motion

Legislation – Regulation 12
<p>(1) <i>A member may bring forward any business in the form of a written notice of motion.</i></p> <p>(2) <i>The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.</i></p> <p>(3) <i>A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.</i></p> <p>(4) <i>If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought-</i></p> <p style="padding-left: 20px;"><i>(a) until after the expiration of 12 months; or</i></p> <p style="padding-left: 20px;"><i>(b) until after the next general election,</i></p> <p style="padding-left: 20px;"><i>whichever is sooner.</i></p>

Motions should ideally be provided by email. The member may wish to provide a brief history, context, or reason why the motion on notice is being presented. This preamble will be included in the agenda with the proposed motion(s).

Note: The definition of Clear Days under Regulation 3 is:

- (2) *In the calculation of **clear days** in relation to the giving of notice before a meeting—*

- (a) *the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and*
 - (b) *Saturdays, Sundays and public holidays will be taken into account.*
- (3) *For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.*

The attached proforma should be used when framing Notices of Motion – refer **Appendix D**.

3.13.2 Motions Without Notice

Legislation – Regulation 12 (cont...)

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| <ul style="list-style-type: none"> (5) <i>Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.</i> (6) <i>The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.</i> |
|---|

Only motions relating to matters of urgency will be considered without notice by the relevant Presiding Member of the Council or a Council Committee.

All such motions are to be put in writing and given to the Presiding Member at the beginning of the meeting; in addition, the proposer of the motion shall include a rationale as to the urgency of the motion. The Presiding Member will then determine whether he or she is prepared to accept the motion for consideration at that meeting.

If the Presiding Member accepts the motion the rationale for the decision will be included as a notation in the minutes of the Council or Council Committee meeting.

3.13.3 Motions in General, Speaking to Motions and Rights of Reply

Legislation – Regulation 12 (cont...)

- | |
|---|
| <ul style="list-style-type: none"> (7) <i>The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).</i> (8) <i>A motion will lapse if it is not seconded at the appropriate time.</i> (9) <i>A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.</i> (10) <i>A member may only speak once to a motion except-</i> <ul style="list-style-type: none"> (a) <i>to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or</i> (b) <i>with leave of the meeting; or</i> (c) <i>as the mover in reply.</i> (11) <i>A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.</i> |
|---|

The Presiding Member will call for a mover and seconder in respect of a notice of motion. Any Member who moves the motion must speak to it at the time of moving

it.

If no Member seconds the motion it will lapse, and the meeting will progress to the next item of business.

Answering a question at the invitation of the Presiding Member is not considered speaking.

Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).

3.13.4 Formal Motions

Legislation – Regulation 12 (cont....)	
(12)	<i>A member who has not spoken in the debate on a question may move a formal motion.</i>
(13)	<i>A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).</i>
(14)	<i>If the formal motion is-</i>
	<i>(a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or</i>
	<i>(b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or</i>
	<i>(c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or</i>
	<i>(d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or</i>
	<i>(e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.</i>
(15)	<i>If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).</i>
(16)	<i>A formal motion does not constitute an amendment to a substantive motion.</i>
(17)	<i>If a formal motion is lost-</i>
	<i>(a) The meeting will be resumed at the point at which it was interrupted; and</i>

Legislation – Regulation 12 (cont...)
<p>(b) <i>If the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie. A motion to the same effect) cannot be put until at least 1 member has spoken on the question.</i></p> <p>(18) <i>A formal motion for adjournment must include the reason for the adjournment and the details for resumption.</i></p> <p>(19) <i>Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.</i></p> <p>(20) <i>The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.</i></p> <p>(21) <i>Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.</i></p>

If a formal motion that “the question lie on the table” or “the question or meeting be adjourned” as per 14(c), (d) and (e) is carried, the minutes shall record those that have spoken in the debate. This will ensure that the debate can recommence at the point of the interruption.

Public Health Emergency: Electronic Participation in Council Meetings

If a meeting is adjourned to another day, the Chief Executive Officer must:

- (a) *give an electronic notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;*
- (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.*

3.13.5 Amendments to Motions

Legislation – Regulation 13
<p>(1) <i>A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.</i></p> <p>(2) <i>An amendment will lapse if it is not seconded at the appropriate time.</i></p> <p>(3) <i>A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.</i></p> <p>(4) <i>If an amendment is lost, only 1 further amendment may be moved to the original motion.</i></p> <p>(5) <i>If an amendment is carried, only 1 further amendment may be moved to the original motion.</i></p> <p>(6) <i>Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.</i></p>

3.13.6 Variations to Motions

Legislation – Regulation 14
<p>(1) <i>The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.</i></p> <p>(2) <i>The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.</i></p>

3.14 Reports of Committees

Council Committees will report to Council at the next Council meeting following the Committee meeting. The form of report will be by way of a verbal report from the Presiding Member (or other Member of the Committee should the Presiding Member not be present, or the Presiding Member of the committee be an independent member and not a Member of Council) in support of the minutes of the Committee meeting. A copy of these minutes will be included in the agenda papers of the next Council meeting. All recommendations from the Committee will be considered by Council, with the following resolution:

“Motion

That having considered the recommendations of the Committee which has read and considered the reports in the agenda related to Items:

[include All item numbers, titles and recommendations from the relevant Committee]

Council adopts the motions as printed.”

Should a Member wish to extract an item of Committee business for further discussion, this should be by way of exclusion from the adoption of the Committee recommendations.

All Committee items considered by Council will then become a Council resolution / decision.

3.15 Questions on Notice

Legislation – Regulation 9
<p>(1) <i>A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.</i></p> <p>(2) <i>If notice of a question is given under subregulation (1) -</i></p> <p style="padding-left: 40px;"><i>(a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and</i></p> <p style="padding-left: 40px;"><i>(b) the question and the reply must be entered in the minutes of the relevant meeting.</i></p> <p>....</p> <p>(6) <i>The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.</i></p>

When sending the questions to the Chief Executive Officer (CEO), the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will be included in the agenda with the question(s).

On receipt of the questions the CEO will forward them to the Mayor or the Presiding Member of a Committee to determine if the questions are not vague, irrelevant, insulting or improper (refer Regulation 9(6)). If so, the CEO will then arrange for the answers to be tabled at the relevant meeting of Council or Committee and the questions and answers will be included in the minutes in accordance with Regulation 9.

If a presiding member makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.

3.16 Questions Without Notice

Legislation – Regulation 9 (cont....)
<p>(3) <i>A member may ask a question without notice at a meeting.</i></p> <p>(4) <i>The presiding member may allow the reply to a question without notice to be given at the next meeting.</i></p> <p>(5) <i>A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.</i></p> <p>(6) <i>The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.</i></p>

To facilitate the efficiency of meetings, Members are encouraged to use the availability of senior officers prior to the meetings to clarify issues of concern.

Questions without Notice can be asked at a meeting and the Mayor or Presiding Member of a Council Committee have the discretion to accept the questions in accordance with Regulation 9(6).

If the Mayor or Presiding Member of a Committee accepts the questions, they will make the determination to choose to answer the questions or refer them to the CEO for a response.

In accordance with Regulation 9(5) Questions without Notice and the reply will not be included in the minutes unless the Council or Committee meeting resolves to do so.

3.17 Voting

Voting for Council meetings is applied as follows:

Legislation – Regulation 16

- (1) *The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.*
- (2) *The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.*
- (3) *A person who is not in his or her seat is not permitted to vote.*
- (4) *Subregulation (3)—*
 - (a) *may be varied at the discretion of the council pursuant to regulation 6; and*
 - (b) *does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.*

Voting for Committee meetings is applied as follows:

Legislation – Regulation 27

- (1) *Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.*
- (2) *Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.*
- (3) *The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.*

Public Health Emergency: Electronic Participation in Council Meetings

A vote in relation to a question for decision before the Council may be taken a show of hands (either by a member raising their hand for the meeting to see or via an electronic option).

3.18 Divisions**Legislation – Regulation 17**

- (1) A division will be taken at the request of a member.*
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.*
- (3) The division will be taken as follows:*
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;*
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;*
 - (c) the presiding member will count the number of votes and then declare the outcome.*
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).*
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.*

Public Health Emergency: Electronic Participation in Council Meetings

A division is taken as follows:

- (a) the members voting in the affirmative will, until the vote is recorded, raise their hands (either by raising their hand for the meeting to see or via an electronic option), which the presiding member will verbally list;*
- (b) the members voting in the negative will, until the vote is recorded, not raise their hands which the presiding member will verbally list;*
- (c) the presiding member will count the number of votes and then declare the outcome;*

3.19 Tabling of Information**Legislation – Regulation 18**

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).*
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.*

3.20 Adjourned Business

Legislation – Regulation 19

- (1) *If a formal motion for a substantive motion to be adjourned is carried—*
 - (a) *the adjournment may either be to a later hour of the same day, to another day, or to another place; and*
 - (b) *the debate will, on resumption, continue from the point at which it was adjourned.*
- (2) *If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.*
- (3) *Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.*
- (4) *The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.*

[Note: Adjournments as a result of Formal Motions, in accordance with Regulation 19(1), are addressed under Section 3.12.4 – Formal Motions]

3.21 Short-Term Suspension of Proceedings

Legislation – Regulation 20

- (1) *If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.*
- (2) *The Guiding Principles must be taken into account when considering whether to act under subregulation (1).*
- (3) *If a suspension occurs under subregulation (1)—*
 - (a) *a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and*
 - (b) *the meeting may proceed provided that a quorum is maintained but, during the period of suspension—*
 - (i) *the provisions of the Act must continue to be observed¹; and*
 - (ii) *no act or discussion will have any status or significance under the provisions which have been suspended; and*
 - (iii) *no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and*
 - (c) *the period of suspension should be limited to achieving the purpose for which it was declared; and*
 - (d) *the period of suspension will come to an end if—*
 - (i) *the presiding member determines that the period should be brought to an end; or*
 - (ii) *at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.*

Note -

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

3.22 Confidential Items

The conduct of all Council and Council Committee meetings will be in accordance with Council's Code of Practice for Access to Meetings and Associated Documents, which explains the use of confidential provisions under the Local Government Act 1999 (Section 90) at Council and Committee meetings.

4. OPERATING PROCEDURES – CONDUCT AT THE MEETING

4.1 Addresses by Members

Legislation – Regulation 15

- (1) *A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.*
- (2) *A member may, with leave of the meeting, raise a matter of urgency.*
- (3) *A member may, with leave of the meeting, make a personal explanation.*
- (4) *The subject matter of a personal explanation may not be debated.*
- (5) *The contribution of a member must be relevant to the subject matter of the debate.*
- (6) *Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.*

4.2 Conflict of Interest

The Local Government Act 1999 requires Council Members to identify where they have a conflict of interest of matters being considered by the Council or a Council Committee. There are three conflict of interest categories under the Local Government Act:

- Material conflict of interest
- Actual conflict of interest; and
- Perceived conflict of interest.

If a member declares a **material conflict** of interest for an item being considered by the Council or a Council Committee, they must leave the meeting and any area set aside of the public so that the Member cannot view or hear the discussion or voting of that item. The minutes will include an account of the Council Member's declaration and the time the member left the meeting.

The only time a member may participate in the meeting once they have declared a material conflict, is only under the approval of the Minister and this will be recorded in the minutes.

If a Member declares an **actual or perceived conflict** of interest for an item and the member makes the decision to leave the meeting (as detailed above), the minutes will include an account of the Council Member's declaration and the time the member left the meeting.

If a Member declares an **actual or perceived conflict** of interest for an item and the member makes the decision to remain in the meeting, the minutes will include:

- an account of the Council Member's declaration;
- that the member remained in the meeting;
- the manner in which the member dealt with the conflict;
- if the vote is not unanimous how the member voted; and

- the manner in which the majority of the members voted.

If Council members wish to seek legal advice about a possible conflict of interest, they should advise the Manager Governance & Operational Support in the first instance and if necessary, will arrange contact with Council's solicitors to obtain advice at Council's cost. As a matter of course Council's solicitors will provide the Chief Executive Officer with a copy of the written advice provided to the Member.

Should a member of staff have any doubt as to whether he or she has a conflict of interest in a particular matter, the person should seek the advice of the relevant General Manager or the Chief Executive Officer.

Public Health Emergency: Electronic Participation in Council Meetings

If a member wishes to declare a Conflict of Interest, they will interrupt the meeting by verbally alerting the Presiding Member.

4.3 Chamber Conduct

The Local Government Act 1999 Section 63 mandates a Code of Conduct for Council Members and is a public declaration of the principles of good conduct and standards of behaviour that the Mayor and Councillors of the City of Charles Sturt are expected to demonstrate in the performance of their responsibilities as elected community representatives. The principles outlined in this Code of Conduct apply equally to behaviour within the Council chamber.

Council Members and staff are to use temperate language and adopt civil behaviour.

Staff will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member. At a Council meeting the Principal Member will be addressed as either "Your Worship" or "Mayor". The Presiding Member of a Committee should be addressed as "Councillor ...".

Members who intend to speak during a meeting of Council are to clearly indicate their intentions by engaging the personal address system, so the indicator light turns on. When invited by the Principal Member to speak they are to stand and speak clearly for the benefit of all present in the Chamber. Members of a Committee may remain seated while they are speaking.

If a member needs to leave the chamber, he or she should indicate this to the Presiding Member eg by standing, facing the chair and making eye contact before leaving the meeting. This will also provide the minute taker the opportunity to record the movement from the Council Chamber. Members should be aware that as soon as they leave their seats, they have left the meeting. Members should limit the amount of distracting activities such as passing of notes, speaking to other Members etc.

Mobile telephones brought into the Council Chamber are to be either switched off or turned to silent to limit disruption to the formalities of the meeting. To ensure family inclusive chamber environment discreet personal messaging for non- Council related matters are acceptable. Where possible Council Members should alert the Chair, prior to the meeting, if they are expecting to receive messages during the meeting.

Council Members are expected to afford respect to the meeting, the people they represent and all ratepayers of the City, by being appropriately dressed when attending meetings. The standard of dress commonly referred to as "business

casual” is the minimum accepted standard.

Public Health Emergency: Electronic Participation in Council Meetings

Members participating via electronic means must continue to afford the respect to the meeting and ensure they maintain a professional presence during the meeting.

Members who intend to speak during a meeting of Council are to clearly indicate their intentions by utilising the electronic raise hand function. When invited by the Presiding Member to speak Members may remain seated and must speak clearly for the benefit of all presently engaging the virtual meeting.

A Member will be taken to have temporarily left the meeting if they are no longer able to be seen via electronic means and in this instance the Member must leave their video function turned on.

The Meeting Administrator and Minute Taker will record the temporary movement from the meeting for the purposes of the Minutes.

4.4 Interruption of Meetings by Members

Legislation – Regulation 29

- (1) A member of a council or council committee must not, while at a meeting—
- (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
- (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
- (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
- (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5), is guilty of an offence.
- Maximum penalty: \$1 250.

4.5 Points of Order

Legislation – Regulation 28

- (1) *The presiding member may call to order a member who is in breach of the Act or these regulations.*
- (2) *A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.*
- (3) *A point of order takes precedence over all other business until determined.*
- (4) *The presiding member will rule on a point of order.*
- (5) *If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.*
- (6) *The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.*
- (7) *A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—*
 - (a) *the ruling has no effect; and*
 - (b) *the point of order is annulled.*

If the Presiding Member or a Council member believe that there has been a breach of the Act or Regulations and so calls a Point of Order, they must briefly state the nature of the alleged breach such that the Presiding Member can determine which if any part of the Act or Regulation has been breached. The nature of the alleged breach will be recorded in the minutes.

The Presiding Member will then make a ruling on the point of order and this will also be recorded in the minutes.

Public Health Emergency: Electronic Participation in Council Meetings

If a member wishes to call a point of order, they will interrupt the meeting by verbally alerting the Presiding Member.

4.6 Interruption of Meetings by Others

Legislation – Regulation 30

A member of the public who is present at a meeting of a council or council committee must not—

- (a) *behave in a disorderly manner; or*
- (b) *cause an interruption.*

Maximum penalty: \$500.

4.7 Council Appointments

The process of determining a Council appointment to a particular position is as follows:

- Each appointment is by way of a resolution of Council confirming the results of an election and is for the remainder of the Council term unless otherwise resolved for that position.
- The method of voting will be by secret ballot.
- Nominations will be called for the position/s to be filled.
- If the Member accepts the nomination they are to declare an interest and leave the meeting.
- The declaration will be included in the minutes.
- The remaining Council Member (including the Mayor) shall have one vote.
- In the event of two or more candidates being nominated, the method of voting will be first past the post majority vote.
- In the event of a tie, the result will be decided by drawing lots, the candidate first drawn being the candidate excluded.
- Council Members absent from the meeting may nominate for a position in writing/email in advance to the Chief Executive Officer to have their nomination recognised.
- The ballot papers from each secret ballot will be shredded.
- The Presiding Member shall call for up to two (2) scrutineers to observe each ballot.

Public Health Emergency: Electronic Participation in Council Meetings

Secret ballots will be conducted through Zoom Webinar as a poll. Polls are electronic and provide automatic results based on Member selection.

In the event of a tie the Presiding Member will draw lots, the candidate first drawn being the candidate excluded. This will be livestreamed for all Members to witness.

5. OPERATING PROCEDURES – DOCUMENTATION OF THE MEETING

5.1 Recording of Meetings

Council and Committee meetings are not recorded (by either tape or video). At the Council meeting of 13 February 2012 Council resolved that “no recording of the Council or Committee meetings are undertaken by any Council Members or Council Staff” (refer CL 13/2/12) .

5.2 Minutes of Meetings

Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will -*
 - (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*
- (4) *The minutes of the proceedings of a meeting must include -*
 - (a) *the names of the members present at the meeting; and*
 - (b) *in relation to each member present -*
 - (i) *the time at which the person entered or left the meeting; and*
 - (ii) *unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and*
 - (c) *each motion or amendment, and the names of the mover and seconder; and*
 - (d) *any variation, alteration or withdrawal of a motion or amendment; and*
 - (e) *whether a motion or amendment is carried or lost; and*
 - (f) *any disclosure of interest made by a member; and*
 - (g) *an account of any personal explanation given by a member; and*
 - (h) *details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and*
 - (i) *a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and*
 - (j) *details of any adjournment of business; and*
 - (k) *a record of any request for documents to be tabled at the meeting; and*
 - (l) *a record of any documents tabled at the meeting; and*
 - (m) *a description of any oral briefing given to the meeting on a matter of council business; and*
 - (n) *any other matter required to be included in the minutes by or under the Act or any regulation.*

Minutes will also include the time of closing the meeting.

If a Member making a Personal Explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, a brief account shall be included.

As the Minutes are a reflection of decisions made by Council as a whole, minutes of the meeting do not record the names of the Members who voted in the affirmative or negative for a particular item. Where a resolution is endorsed unanimously, the minutes will reflect this accordingly. The minutes will only identify the names of Members' votes in two instances; namely where a Division is called under Regulation 17 or where a member remains in a meeting, after declaring an actual or perceived conflict of interest, and the vote is not unanimous. Minutes will also not record or reflect specifics of debate of an item.

Public Health Emergency: Electronic Participation in Council Meetings

The minutes of the meeting must include the method of attendance by each Member.

On confirmation of the minutes the presiding member may initial or sign the minutes electronically.

5.3 Availability of Minutes**Legislation – Section 91 of the Local Government Act 1999**

- (1) *The chief executive officer must ensure that minutes are kept of the proceedings at every meeting of the council or a council committee.*
- (2) *If the chief executive officer is excluded from a meeting pursuant to Part 3, the person presiding at the meeting must ensure that minutes are kept.*
- (3) *Each Member of the council must, within 5 (five) days after a meeting of the council or a council committee, be supplied with a copy of all minutes of the proceedings of the meeting kept under this section.*
- (4) *A copy of the minutes of a meeting of the council must be placed on public display in the principal office of the council within 5 (five) days after the meeting and kept on display for a period of one month.*
- (5) *A person is entitled to inspect, without payment of a fee, at the principal office of the council—*
 - (a) *minutes kept under this section; and*
 - (b) *reports to the council or a council committee received at a meeting of the council or committee; and*
 - (c) *recommendations presented to the council in writing and adopted by resolution of the council; and*
 - (d) *budgetary or other financial statements adopted by the council.*
- (6) *A person is entitled, on payment of a fee fixed by the council, to a copy of any documents available for inspection under subsection (5).*
- (7) *However, subsections (4), (5) and (6) do not apply to a document or part of a document if—*
 - (a) *the document or part relates to a matter dealt with by the council or council committee on a confidential basis under Part 3; and*
 - (b) *the council or council committee orders that the document or part be kept confidential.*
- (8) *A council must not make an order under subsection (7)—*
 - (a) *to prevent the disclosure of the remuneration or conditions of service of an employee of the council after the remuneration or conditions have been set or determined; or*
 - (b) *to prevent the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the council as to why a successful tenderer has been selected; or*
 - (ba) *to prevent the disclosure of the amount or amounts payable by the council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the council after the contract has been entered into by all parties to the contract; or*

- (c) *to prevent the disclosure of the identity of land that has been acquired or disposed of by the council, or of any reasons adopted by the council as to why land has been acquired or disposed of by the council.*
- (9) *If an order is made under subsection (7)—*
- (a) *the council or council committee must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed, and in any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year; and*
- (ab) *in the case of an order of specified duration –*
- (i) *the duration of the order cannot be extended after the order has ceased to apply (as a result of the expiry of the period for which the order was specified to apply); and*
- (ii) *an order extending the duration of such an order cannot be delegated by the relevant council or council committee; and*
- (b) *the council or council committee must ensure that a note is made in the minutes recording the making of the order, the grounds on which it was made, and the decision of the council or council committee under paragraph (a); and*
- (c) *the council or council committee may delegate to an employee of the council the power to revoke the order.*

Minutes of all Council and Committee meetings will be posted on Council’s web site and available in printed copy at the Civic Centre as soon as practicable after they are completed. The distribution of the minutes to Council Members will be in accordance with the method in which their notice of meeting, agenda and reports has been nominated (as per Section 2.2). Any changes to the delivery arrangements must be requested in writing.

6. REFERENCES

- Local Government Act 1999
- Local Government (Procedures at Meetings) Regulations 2013
- [Electronic Participation in Council Meetings Notice \(No 1\) 2020 \(Notice\)](#)
- Council’s Policy Register
- Code of Practice for Public Access to Council and Committee Meetings and to Associated Documents
- Council and its Committees – Membership and Terms of Reference
- Council Members Code of Conduct
- City of Charles Sturt Fees & Charges Register

7. ATTACHMENTS

- **Appendix A** – Agenda templates for Council and Committee meetings
- **Appendix B** – Typical format for petition
- **Appendix C** – Report template
- **Appendix D** – Notice of Motion pro-forma

APPENDIX A**AGENDA (Council)****1. COUNCIL OPENING**

- 1.1 Prayer
- 1.2 Apologies for absence

2. CONFIRMATION OF MINUTES**2.1 Council**

Confirmation of the minutes of the previous meeting held on Monday, [insert date in full].

Committee/s**REPORTS OF COMMITTEES – Part I****2.2 [Name of Committee/s]**

That having considered the recommendation of the Committee which has read and considered the reports in the agenda related to items

[Insert Items]

Council adopts the recommendations as printed.

Page No.

3. REPORTS

- 3.1 Mayor's Report
- 3.2 Deputy Mayoral Report
- 3.3 Members being representatives on organisations

That the reports be received and noted.

4. DEPUTATIONS**5. PETITIONS****6. BUSINESS**

APPENDIX A
Continued

7. **MOTIONS ON NOTICE**
8. **QUESTIONS ON NOTICE**
9. **MOTIONS WITHOUT NOTICE**

[As previously identified and agreed to by Mayor.]
10. **QUESTIONS WITHOUT NOTICE**
11. **BUSINESS – PART II – CONFIDENTIAL ITEMS**
12. **REPORTS OF [Name] COMMITTEE – PART II – CONFIDENTIAL**
13. **MEETING CLOSURE**

APPENDIX A

Continued

AGENDA (Committee)**1. COMMITTEE OPENING**

- 1.1 Acknowledgement (Kaurna)
- 1.2 Apologies for absence

2. CONFIRMATION OF MINUTES

Confirmation of the minutes of the previous meeting held on Monday, [insert date in full].

3. DEPUTATIONS**Page No.****4. BUSINESS****5. MOTIONS ON NOTICE****6. QUESTIONS ON NOTICE****7. MOTIONS WITHOUT NOTICE**

[As previously identified and agreed by the Presiding Member]

8. QUESTIONS WITHOUT NOTICE**9. BUSINESS – PART II – CONFIDENTIAL ITEMS****10. MEETING CLOSURE**

APPENDIX C**TO:** Council / Committee**FROM:****DATE:**

NO. **SUBJECT** (FILE NO)
Brief

[Commence typing Brief]

Recommendation**[Commence typing Recommendation]****Status**

This report relates to or impacts upon the following Community Plan Outcomes:

- A safe and healthy City that supports vibrant community life
- An economically prosperous, attractive and functional City
- A City which values, protects and enhances the natural environment
- A local organisation providing progressive leadership, accountable governance and quality services to the community

Relevant Council policies are:

- [Relevant policy]

Relevant statutory provisions are:

- [Relevant statutory provision]

Background

[Cite any previous reports, eg (Refer CL 04-06-10, Item 7.54) and/or relevant history of the issue.]

APPENDIX C

Continued

Report**Financial and Resource Implications****Customer Service and Community Implications****Environmental Implications****Community Engagement/Consultation**

(including with community, Council members and staff)

Risk Management/Legislative Implications**Conclusion****Appendices**

Appendix	Title of Document	No. of Pages	CM Ref
A			
B			

APPENDIX D

MEMO TO: Chief Executive Officer

FROM:

DATE:

SUBJECT: NOTICE OF MOTION – COUNCIL MEETING [date]

I wish to give notice of my intention to move the following motion at the next meeting of Council scheduled for [date]:

Preamble

[Include any background information you would like inserted in the agenda papers to explain why the motion is being proposed.]

Motion

That

[name]

COUNCILLOR, [ward name] WARD